

1. The preliminary amendment filed May 15, 2007 has been entered.
2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. The drawings are objected to under 37 CFR 1.437 and PCT Article 7 (2) (ii) which has been interpreted to require that the drawings must show every feature of the invention specified in the claims. Therefore, the inert gas supply device and heating element of claim 22, the soil crusher device of claim 23 and the device capable of keeping soil in motion of claims 24 and 27 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) or 37 CFR 1.471 (PCT Rules 10 and 11) are required in reply to the Office action to avoid abandonment

of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d) or as per 37 CFR 1.471. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 5-7, 11, 15, 20 and 22-24 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Rector, Jr. US 2,757,161.

Note Example 3 in col. 5. Note pressing the soil through a sieve would result in an increase in surface area the soil. Blowing the air at 50° C would inherently require the inert gas supply device and heating element of claim 22. The means for carrying out pulverizing step or sieving steps set forth in Example 3 could be interpreted as inherently acting as a soil crusher device. The means for blowing the air would be capable of keeping the soil in motion especially under certain conditions.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 8-10, 12-14, 16-19 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rector, Jr.

Although not specifically disclosed in Rector, Jr. the features of these claims are design expedients based on desired results or convenience and would have been obvious since means for doing them are known to be useful for similar such purposes.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references disclose soil or earth drying.

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9. Claims 2-3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Noland whose telephone number is (571) 272-2202. The examiner can normally be reached on weekdays from 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Hezron E. Williams, can be reached on (571) 272-2208.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to 2800 Customer Service at (571) 272-2815.

**/Thomas P. Noland/  
Primary Examiner  
Art Unit 2856**

June 21, 2008